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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,396	12/28/2001	Chester F. Grochoski		1149

24335 7590 09/10/2003

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EXAMINER

SIMONE, CATHERINE A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 09/10/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-12

**Office Action Summary**

Application No.

10/034,396

Applicant(s)

GROCHOSKI, CHESTER F.

Examiner

Catherine Simone

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-8,10-17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-17 and 19-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 24, 2003 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3-8, 10-17 and 19-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Handwerker (5,549,956) in view of Fletcher (GB 2 207 884).

Regarding **claims 1, 8, 15, and 22**, Handwerker discloses a concrete curing blanket comprising a first moisture-barrier layer having first and second sides (Fig. 3, #12); a second moisture-barrier layer (Fig. 3, #14); an insulative layer (Fig. 3, #16) between the first moisture-barrier layer and the second moisture-barrier layer, the first side of the first moisture-barrier layer (Fig. 3, #12) facing the insulative layer (Fig. 3, #16); and a metal foil having first and second sides (Fig. 3, #18). However, Handwerker fails to disclose the first side of the metal foil being

Art Unit: 1772

attached to the second side of the first moisture-barrier layer, whereby the insulative layer and the metal foil are on opposite sides of the first moisture-barrier layer and the second side of the metal foil is exposed to form an external surface of the blanket. Fletcher teaches it is old and well-known in the analogous art to have a metal foil (Fig. 1, #2) exposed to form an external surface of the blanket for the purpose of reflecting radiant heat toward the object being insulated and conducting heat laterally to provide a more uniform distribution of heat.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have the first side of the metal foil in Handwerker be attached to the second side of the first moisture-barrier layer, whereby the insulative layer and the reflective layer are on opposite sides of the first moisture-barrier layer and the second side of the reflective layer is exposed to form an external surface of the blanket as suggested by Fletcher in order to reflect radiant heat toward the object being insulated and conduct heat laterally to provide a more uniform distribution of heat.

Regarding **claims 3 and 10**, note the reflective layer comprises a metal foil made of aluminum (see col. 4, lines 64-67). Regarding **claims 4 and 23**, the insulative layer comprises a sheet, the sheet defining a plurality of indentations having a base and an apex (Fig. 2, #16), the first moisture-barrier layer (Fig. 2, #12) laminated to one of the base and the apex, the second moisture-barrier layer (Fig. 2, #14) laminated to the other of the base and the apex, the first moisture-barrier layer and the second moisture-barrier layer defining a space therebetween (see col. 3, lines 29-32). Regarding **claim 5**, the insulative layer (Fig. 2, #16) comprises a first sheet defining a plurality of indentations (Fig. 2, #22), the first sheet laminated to a second sheet (Fig. 2, #18) closing the plurality of indentations, the enclosed indentations forming at least one

Art Unit: 1772

insulative enclosure. Regarding **claim 6 and 26**, the insulative layer (Fig. 2, #16) comprises a first sheet defining a plurality of indentations (Fig. 2, #22), the first sheet laminated to a second sheet (Fig. 2, #18), the laminated first sheet and the second sheet defining a first enclosed space (Fig. 2, #24), the first sheet laminated to a third sheet (Fig. 2, #14), the laminated first sheet and the third sheet defining a plurality of insulative enclosures. Regarding **claims 7, 13, 14 and 19**, the insulative layer and moisture-barrier layers are plastic (see col. 3, lines 3-8). Regarding **claim 11 and 20**, note the moisture-impervious layer and the insulative layer comprise degradable materials (see col. 3, lines 19-24). Regarding **claim 12**, note a second moisture-impervious layer (Fig. 2, #14) secured to the protrusions (Fig. 2, #24), the moisture-impervious layer and the base forming at least one insulative enclosure. Regarding **claim 16**, the plurality of insulative enclosures are disposed in a spaced relationship with each other, the elements being air filled pockets (see col. 3, lines 25-34). Regarding **claim 17**, note a plurality of insulative layers (Fig. 4, #16 and #30) between the first moisture-barrier layer (Fig. 4, #12) and the second moisture-barrier layer (Fig. 4, #14). Regarding **claim 24**, note the reflective layer (Fig. 2, #18) is attached to the base (Fig. 2, #16). Regarding **claim 25**, the reflective layer (Fig. 2, #18) is attached to the moisture-impervious layer (Fig. 2, #12).

#### *Response to Arguments*

4. Applicant's arguments with respect to claims 1, 3-8, 10-17 and 19-26 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 1772


*Conclusion*


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (703)605-4297.

The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
Catherine Simone  
Examiner  
Art Unit 1772  
September 4, 2003

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

9/5/03